

EXHIBIT 44

Aaron J. Senne - October 27, 2015

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLORADO

3 _____
4 AARON SENNE, et al.,)
5 Plaintiffs,)
6 vs.) Case No.
7 OFFICE OF THE COMMISSIONER OF) 3:14-cv-00608-JCS
8 BASEBALL, an unincorporated) (consolidated with
9 association doing business as) 3:14-cv-03289-JCS)
10 MAJOR LEAGUE BASEBALL, et al.,)
11 Defendants.)
12 _____
13
14

15 VIDEOTAPED DEPOSITION OF AARON J. SENNE

16 Greenwood Village, Colorado

17 Tuesday, October 27, 2015
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22
23

24 Reported By:

25 Melanie L. Giamarco

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1 would adopt would be to feel comfortable at the plate?

2 That was your guiding principle; is that fair to say?

3 A. I think it played a factor in my batting
4 stance. You can't just be comfortable. I couldn't go
5 sit in a lawn chair at the plate and hit as well as I
6 would like to, but I think being comfortable and
7 having a good stance fundamentally go side by side.

8 Q. Did you ever alter your stance in --
9 because the pitcher you were facing was of a certain
10 kind or had a certain style?

11 MR. BROSHUIS: Objection; form.

12 A. From time to time, I might move up in the
13 batter's box if a pitcher is not throwing particularly
14 hard.

15 Q. (By Mr. Ganz) And that was a decision that
16 you made; is that right?

17 MR. BROSHUIS: Objection.

18 A. That was an adjustment that I made. A lot
19 of times a coach would encourage players to move up,
20 especially if a batter's hit -- you know, the first
21 couple batters are facing a slow pitcher like that
22 were out in front and rolling overballs, it would be
23 an adjustment they would push onto the rest of the
24 team.

25 Q. (By Mr. Ganz) And were there times when

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1 game that day -- or didn't have a game against an
2 external opponent, or if they did, and there was a
3 home game, we would do all the workouts with them, be
4 out there on the bench during the game, do any rehab
5 or training-room activities that we needed to do after
6 that, and then leave the ball field at the same time
7 or later than . . .

8 Q. During those days, what couldn't you do
9 that you would normally have done had you not been
10 injured?

11 A. Throw a baseball and swing a bat until,
12 like, August I believe I started swinging a bat again.

13 Q. Did you play in any games during the 2011
14 season?

15 A. No.

16 Q. And were you paid by the Marlins during
17 this period?

18 A. Until the Jupiter -- or until the Jamestown
19 season started in the middle of June, I received the
20 same compensation that the extended spring training
21 players received, which was minimal. And then once
22 Jamestown season began, which was technically the
23 roster that I was still a part of, having been injured
24 after that season but prior to spring training, I
25 began receiving the monthly salary that the Jamestown

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1 players received.

2 Q. You were on the disabled list for -- on
3 several occasions and for somewhat lengthy periods of
4 time; is that a fair statement?

5 A. I think it's a fair statement regarding my
6 elbow surgery.

7 Q. Yes.

8 A. I was on the disabled list a number of
9 other times. I don't feel like they were very
10 lengthy.

11 Q. I'm sorry. I was referring to the elbow.

12 A. Okay. Yes.

13 Q. So you had been assigned to Jamestown in
14 2010 and at least technically were assigned to
15 Jamestown in 2011, but you spent a good portion of
16 your time or all of your time in Jupiter rehabbing
17 during the 2011 season; is that right?

18 A. Correct.

19 Q. And in 2012, were you transferred to
20 Greensboro?

21 A. Once we broke camp after spring training,
22 yes, I made the Greensboro team.

23 Q. And Greensboro was in Greensboro, North
24 Carolina, I assume?

25 A. Correct.

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1 Q. And Bud Selig signed your form, your
2 retirement form?

3 A. Somebody from his office is required to
4 sign that form, whether it's Bud or somebody else.

5 Q. Okay. Well, let's just stick with Bud for
6 the moment.

7 Did you ever have any communications with
8 Bud Selig, written or oral?

9 A. I never had direct communications with Bud
10 Selig.

11 Q. Did you ever have any written
12 communication -- or did you have any communications,
13 written or oral, with anyone employed by Major League
14 Baseball?

15 A. Again, aside from documents that I received
16 from them, had to fill out and send back for them to
17 authorize and sign, no, I did not.

18 Q. And those documents had to do with your
19 Uniform Player Contract; is that what you're saying?

20 A. My Uniform Player Contract, my retirement
21 form, and I am not sure about the Addendum Cs, whether
22 those had to go through Bud Selig's office or not.

23 Q. Did any employee of Major League Baseball
24 assign or direct your daily activities when you were a
25 Minor League player?

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1 A. No.

2 Q. Have you ever spoken to any Major League
3 Baseball employee regarding your Minor League
4 activities?

5 MR. BROSHUIS: Objection, form.

6 A. No.

7 Q. (By Mr. Ganz) Do you maintain a LinkedIn
8 account?

9 A. I do.

10 Q. And do you maintain a Facebook account?

11 A. I do.

12 Q. Do you maintain a Twitter account?

13 A. There's one there. I never use it.

14 Q. And do you maintain an Instagram account?

15 A. No.

16 Q. What is your e-mail address?

17 A. I have multiple e-mail addresses, one for
18 work and one for personal.

19 Q. I'm sorry. Go ahead. One for work and one
20 for?

21 A. One for work and one for personal.

22 Q. And what are those addresses?

23 A. My personal address is
24 ajs5zb@mail.missouri.edu.

25 Q. And your business?

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1 A. Yes.

2 Q. Extra base hits?

3 A. Yes.

4 Q. And total bases?

5 A. Yes.

6 Q. Total bases being the sum of all those
7 hits?

8 A. More or less.

9 Q. More or less? Okay.

10 When you played baseball, and let's limit it
11 to the Minor Leagues for the moment, apart from the
12 times when you were given a signal to take a pitch and
13 not swing at it, and apart from the times when there
14 was a hit-and-run play put on, were you the one who
15 decided whether or not to swing at a pitch?

16 A. You were trained and taught over the years
17 through, you know, many coaches how to approach each
18 at-bat, what to look for, I mean, how to have your
19 at-bats, yes --

20 Q. How to what your bats? I'm sorry.

21 A. How to approach your at-bats is a better
22 way of looking at that. Aside from those scenarios,
23 every so often, for whatever reason, a lot of times a
24 coach might tell the entire team to take a first
25 pitch, to see a pitch. But yes, other than that, you

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1 are physically taking that swing, yes.

2 Q. And making the mental decision to make the
3 swing?

4 A. It's a very split-second decision, so yes.

5 Q. And that was my next question.

6 Within how much time do you have, and I know
7 it may vary from pitcher to pitcher, but on average,
8 how much time do you have to decide whether you're
9 going to swing?

10 A. (Snaps finger.) About that much time.

11 Q. I think while the videographer may have
12 that, and even the sound --

13 A. I don't remember the exact amount of time.
14 It's somewhere between, like, 21.3 --

15 Q. It's tenths of a second?

16 A. Tenths of a second, yes.

17 Q. And does it take some -- I know you
18 referred to coaches who advised you over the years
19 about hitting.

20 Does it also take some -- do you think it
21 takes some natural talent to be able to make a
22 split-second decision to swing at a pitch and actually
23 hit it well?

24 A. I think it takes a whole lot of repetition,
25 which is why the baseball season is as long as it is